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Rt Hon^{ld} A. G. 171963 (9)
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TRINIDAD AND TOBAGO
Act No. 20 of 1972

[L.S.]

AN ACT to impose an Hotel Accommodation Tax.

[Assented to 9th May, 1972]

BE IT ENACTED by the Queen's Most Excellent Majesty, Enactment
by and with the advice and consent of the Senate and House
of Representatives of Trinidad and Tobago, and by the
authority of the same, as follows:—

1. This Act may be cited as the Hotel Accommodation Short title
Tax Act, 1972.

Interpretation

2. (1) In this Act—

“Appeal Board” means the Appeal Board established under section 43 of the Ordinance;

“assessment” means an assessment under section 7;

“Board of Inland Revenue” or “Board” means the Board of Inland Revenue established under section 3 of the Ordinance;

“company” means a body corporate or an unincorporated association, and includes a partnership;

“hotel” means a building or group of buildings in Trinidad and Tobago occupied together comprising not less than sixteen bedrooms for the purpose of providing hotel accommodation for reward;

“hotel accommodation tax” or “room tax” means the tax chargeable by virtue of this Act;

“hotel accommodation” means sleeping accommodation and services and facilities ancillary thereto provided in an hotel for its guests, not being persons resident in the hotel under any contract of service;

“hotel operator” means a person who (either by himself or through an agent or servant) carries on the trade or business of operating an hotel;

“person” includes a company;

“the Ordinance” means the Income Tax Ordinance.

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(2) For the purpose of the interpretation of the several provisions of the Ordinance as applied by section 10 the provisions of the Ordinance relating thereto shall have effect, but so however that any provision of this Act as to the interpretation of any expression shall have effect for the purpose of those provisions of the Ordinance.

Board to be responsible for administration of Act

3. (1) The Board of Inland Revenue shall be responsible for the due administration of this Act and for the assessment, collection and recovery of the room tax.

(2) Any function conferred by this Act on the Board may be exercised as may be necessary by any officer authorised by it according as the Board may direct, and references in this Act to the Board shall be construed accordingly.

4. (1) Subject to this Act, there shall be charged, levied and collected on the proceeds of the letting of all hotel accommodation of an hotel operator, hotel accommodation tax at the rate of three per cent thereof. ^{Charge of room tax}

(2) Hotel accommodation tax is payable notwithstanding that the hotel is an approved hotel for the purposes of the Hotel Development Act, 1962, or is otherwise exempt from any other taxes, charges impositions or levies by virtue of any other enactment. ^{Act No. 3 of 1963}

(3) The room tax shall be charged on the full amount of the proceeds of the letting without any other deduction or allowance than is authorised or allowed by this Act.

5. (1) Subject to this Act, the room tax shall be charged upon the proceeds of the letting as they become due and payable to the hotel operator, and shall be payable by him. ^{Payment, interest and administration}

(2) In computing the proceeds of letting of hotel accommodation—

(a) no account shall be taken of room tax recovered by an hotel operator under section 6;

(b) no account shall be taken of receipts in respect of any ancillary services and facilities provided, if the hotel operator receives no part of the payment ascribable to such services;

(c) there shall be allowed—

(i) bad debts, incurred in respect of the letting, that are proved to the satisfaction of the Board to have become bad during the period to which the statement delivered to the Board in accordance with subsection (6) relates, as well as

(ii) doubtful debts to the extent that each is estimated to the satisfaction of the Board to have become bad during such period,

even if such bad or doubtful debts were due and payable before that period commenced, but so however that all sums recovered at any time on account of amounts previously written-off or allowed in respect of bad or doubtful debts shall be treated as part of the proceeds of the letting and brought into account.

(3) Where after the commencement of this Act the tax becomes chargeable, the hotel operator shall account for by means of the statement referred to in subsection (6) and pay over to the Board the room tax at the rate specified in section 4(1).

(4) If all or any part of the room tax is not paid at the time of delivery of the statement, it shall bear interest at the rate of fifteen per cent per annum from the end of such time to the date of payment.

(5) A person liable under subsection (3) to account for and pay over the room tax to the Board who fails so to do is guilty of an offence, and the provisions of the Ordinance (as applied by this Act) relating to the collection and recovery of the room tax shall, without prejudice to any penalty which he may have incurred in respect of such offence, apply to the collection and recovery of any such room tax.

(6) An hotel operator shall in respect of each month deliver to the Board a statement of the full amount of the proceeds of the letting by him of all hotel accommodation and the amount of room tax payable thereon together with such additional information as the Board may require, in a form approved by the Board, on or before the fifteenth day of the next succeeding month.

Hotel bills
to show room
tax payable
and tax
recoverable
by hotel
operator

6. (1) In addition to the requirements regarding the keeping of accounts and other records provided for by the Ordinance (as applied by this Act) an hotel operator shall cause to be entered on every hotel bill, a receipt for which is given in accordance with any other enactment, the full amount of the hotel accommodation tax, specifying the rate of such tax that is chargeable; and the hotel operator is entitled to recover that amount from the person to whom he has let the hotel accommodation as if that amount was part of the proceeds of the letting of the hotel accommodation.

(2) A duplicate of every hotel bill and the receipt therefor shall be kept by every hotel operator so that it is available at all times, and shall be produced for inspection on demand by the Board.

7. (1) Where an hotel operator has failed to deliver a statement of the proceeds of letting of hotel accommodation as required by section 5(6), then, after consideration of any representation or information which the hotel operator may make or supply to it the Board—

Board may assess proceeds of hotel accommodation in default of statements

(a) shall assess the proceeds of letting of the hotel accommodation for any period and, subject to subsection (5) and section 8, room tax in relation to that period shall be paid within seven days from the day of service on the hotel operator of the notice of assessment of the amount so assessed; and

(b) may charge such operator additional room tax equal to treble the amount of room tax which would have been payable if this paragraph had not been enacted, unless the hotel operator satisfies the Board that he ought fairly to be excused.

(2) Where the Board is satisfied that a true account of the proceeds of letting of the hotel accommodation has not been given in the statement—

(a) because of the failure of the hotel operator to keep the records and books of account required or to produce any records, books of account or other documents or information required to be produced pursuant to the provisions of the Ordinance (as applied by this Act); or

(b) because of any information contained in any such records, books of account or other documents which the Board may have obtained from any source,

then the provisions of subsection (1), other than paragraph (b) thereof, shall apply; and if the assessment results in the hotel operator being charged with room tax in excess of that shown in the statement, the Board may charge him, in addition to the total room tax otherwise charged in the

assessment, further room tax not exceeding the amount of room tax charged in respect of the excess, unless the hotel operator proves to the Board's satisfaction that the incorrectness of the information in the statement did not amount to fraud or gross or wilful neglect.

(3) In making an assessment under subsection (1) the Board is not bound by the information contained in any statement delivered by the hotel operator to which the assessment relates or by other information supplied by, or on behalf, or in respect of, the hotel operator.

(4) Where an assessment is made the Board shall deliver a notice of assessment to the hotel operator showing the amount of proceeds of letting of the hotel accommodation for the period and the room tax payable thereon, and advising him of his rights under the provisions of the Ordinance (as applied by this Act).

(5) Where any hotel operator disputes an assessment under the provisions of subsection (1) or (2) he shall nevertheless, within the time limited by subsection (1)(a), pay to the Board the part of the room tax stated in the notice to be payable by him and any interest and any penalties then remaining unpaid that is not in dispute.

Objections
and appeals

8. (1) An hotel operator who disputes an assessment may, subject to and in accordance with the provisions of the Ordinance relating thereto, object to the assessment.

(2) An hotel operator who has objected to an assessment and whose objection has been disallowed by the Board, may, subject to and in accordance with the provisions of the Ordinance relating thereto, appeal to the Appeal Board from the decision of the Board.

Saving for
income tax
and corporation
tax

9. For the avoidance of doubt it is hereby declared that in ascertaining the chargeable income or profits of a person for the purposes of income tax or corporation tax no deduction or allowance shall be made of, or on account of, the room tax imposed by this Act.

Application
of certain
provisions
of the Ordinance

10. Subject to the provisions of this Act, the provisions of the Ordinance in the table below shall apply in relation to room tax as they apply in relation to income tax chargeable under the Ordinance, but subject to any necessary modifications or adaptations:

TABLE

INCOME TAX PROVISIONS APPLIED TO ROOM TAX

Sections 25 to 31 (Trustees, agents, etc.)

Sections 43 to 43H (Appeals).

Sections 46(1) and (2) (Repayments of Tax).

Sections 56, 57, 58, 59 and 62 (Collection).

Sections 63, 64, 64A and 64B (Recovery).

Sections 42, 65 and 66 (Notices).

Section 67 (Imprisonment of defaulters).

Sections 68, 68A, 68B and 69 to 74 (General Provisions).

11. All monies collected pursuant to this Act shall be paid into the Consolidated Fund. Tax to be paid into Consolidated Fund

12. A person who contravenes or fails to comply with any of the provisions of this Act is guilty of an offence and any person guilty of an offence against this Act is liable on summary conviction therefor to a fine of two thousand, five hundred dollars; and in the case of a continuing offence to a further fine of fifty dollars for every day on which any default continues after conviction therefor. General penalty

13. The Board may make regulations— Regulations

(a) for the management and control of room tax; and

(b) for prescribing the accounts, books and forms to be used.

Passed in the House of Representatives this 5th day of May, 1972.

G. R. LATOUR

Clerk of the House

Passed in the Senate this 8th day of May, 1972.

J. E. CARTER

Clerk of the Senate